



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 18, 1998

Ms. Kristi A. Taylor
Assistant City Attorney
P.O. Box 777
Lewisville, Texas 75067

OR98-0744

Dear Ms. Taylor:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114026.

The Lewisville Police Department (the "department"), which you represent, received a request for a police report. You assert that section 552.108 protects the report from disclosure. The report at issue was submitted to this office for review.

The submitted report appears to be part of an investigation made under chapter 261 of the Family Code. Subsection (a) of section 261.201 of the Family Code provides:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with . . . [the Family] code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

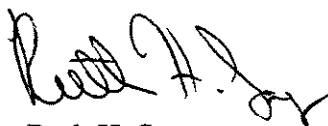
(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

Thus, the report may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the department, which is the agency that investigated the allegation. Since you have not informed this office that the department

has adopted any rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 114026

Enclosures: Submitted documents

cc: Mr. Ben Martin
2602 NationsBank Plaza
901 Main Street
Dallas, Texas 75202
(w/o enclosures)

¹Since section 261.201(a) makes the information at issue confidential, we need not address your section 552.108 argument against disclosure.